



PATENT: IN01192

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
M. Lim-Wilby *et al.*) Examiner: D. Wortman
Serial No.:09/909,164) Group Art Unit: 1648
Filed: July 19, 2001) Atty. Docket No.: IN01192

RECEIVED

NOV 08 2002

TECH CENTER 1600/290

For: NOVEL PEPTIDES AS NS3-SERINE PROTEASE INHIBITORS OF
HEPATITIS C VIRUS

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This communication is in response to the restriction requirement that the Examiner issued on October 2, 2002, in the above-identified patent application. Claims 1-30 are pending in the application. The Examiner restricted the claims into two major groups: Invention 1 (compound claims 1-19, 21 and 29) and Invention 2 (pharmaceutical composition and method of treatment claims 20, 22-28 and 30). The Examiner advised Applicants to elect a Group as well as a single compound to be examined and to identify the claims reading thereon.

Applicants are puzzled by the restrictions of the claims by the Examiner and believe that claims 1-30 form part of one and the same invention. Applicants believe that when there is a linking claim encompassing the scope of all the compounds, pharmaceutical compositions comprising them and methods of treatment using them, it is inappropriate to restrict the invention to a single compound. Applicants also believe that due to such commonality a complete examination of claims 1-30 would not cause undue burden. Applicants further believe that the same art search will most probably apply to the alleged separate inventions. Reconsideration and withdrawal of the restriction requirement are, therefore, respectfully requested.

However, for the sake of facilitation of prosecution and in order to comply with the Examiner's requirement, Applicants elect the claims that the Examiner has identified as belonging to Group 1 with traverse.

Additionally, Applicant elects the following specific compound belonging to the elected Group, with traverse:

BEST AVAILABLE COPY

AcEEVVnPnV-(CO)-GMSYS-Am

The above-noted compound is the first compound shown in claim 17, page 63.

Applicants believe that compound claims 1-19, 21 and 29, and the pharmaceutical composition and method of treatment claims 20, 22-28 and 30 comprising the above-shown compound are readable on the above-shown compound.

If the Examiner has questions, the Examiner is invited to contact the undersigned.

Respectfully submitted,



Dr. Palaiyur S. Kalyanaraman
Registration No. 34,634
Attorney for Applicants
Tel: 908-298-5068
Fax: 908-298-5388

I hereby certify that this correspondence is being deposited with the U.S. Postal Service First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on November 1, 2002.



Palaiyur S. Kalyanaraman
Registered Representative

BEST AVAILABLE COPY